

proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAL MINING PERMITTING PROCESS

Mr. McCONNELL. Madam President, I rise to sound an alarm about a threat to coal-mining businesses in Kentucky. Coal is a vital part of my State's economy, and a vital part of America's energy portfolio. The coal industry creates over 60,000 jobs in Kentucky, including approximately 15,000 coal miners. More than half the country's electricity is generated by coal, electricity those workers help generate.

But this important sector of the economy now faces a back-door attempt to restrict coal mining, one that was implemented without a hearing or a vote by this administration's Environmental Protection Agency. The EPA is overstepping its authority by using an approval process meant to assess the environmental impact of mining operations as a means to halt those mining operations altogether.

According to one study by the Senate Environment and Public Works Committee, it could be estimated that roughly 3,500 mining jobs in Kentucky are in jeopardy if the EPA does not let go its stranglehold on the growth of that industry. And mining industry jobs are not the only jobs lost thanks to this wrongheaded, bureaucratic overregulation. For every coal-mining job, 11 other jobs are dependent on it. That means up to 38,500 jobs in my State alone could be affected.

Let me give a concrete example of how what the EPA is doing directly affects jobs. Out of 49 Kentucky applicants for permits under section 404 of the Clean Water Act, only one application—that is right, one—is actually under review. 1 out of 49. Actually, that should be 1 out of 42 because seven applicants were kept waiting so long by the EPA's foot-dragging tactic that they had no choice but to withdraw their applications.

After all, during this whole length of time that the EPA unfairly prolongs the process, mine operators must still spend resources to keep their mines ready to operate. Eventually paying these costs while earning no profit in return forces many of these businesses to just give up.

While the rest of the permits are technically pending a review, in reality they are in limbo and essentially dead as long as the EPA refuses to even begin its official review process. This "run out the clock" tactic is bad news for Kentucky's economy.

I know I don't have to tell my colleagues we are in a recession. Unemployment is higher than any of us would like it to be. In Kentucky it is 10.5 percent, higher than the national average. My highest priority as the Senator from Kentucky is to help ev-

eryone from my State who wants a job to find one.

That is why I must speak out against what the EPA is doing. Their attack on an important Kentucky industry hampers the growth of jobs, and it especially hampers the growth of small businesses—the greatest engines of job creation.

The EPA has turned the section 404 permitting process, already a cumbersome process to begin with, into an illegitimate, backdoor means of shutting down Kentucky coal mines. This is outside the scope of their authority and the law. It represents a fundamental departure from the permitting process as originally envisioned by Congress.

This Senate needs to make it clear to the EPA that they must complete the permit review process in a timely manner, and provide complete transparency along the way to all sides. They cannot continue to impose a backdoor ban on mining operations in Kentucky through an illegitimate process.

Let me add one more thing. The section 404 permit review process is only one aspect of the EPA's war on coal. They are also seeking to impose a backdoor national energy tax by regulating carbon dioxide emissions from coal plants under the Clean Air Act, which will hurt our economy and endanger millions of jobs across the country. The Senate will have an opportunity to vote on the EPA's actions in that regard in the near future.

MINIMUM ESSENTIAL COVERAGE

Mr. AKAKA. Madam President, as chairman of the Senate Committee on Veterans' Affairs, concerns have been raised to me about a technical error in the health care reform bill that was recently passed, the Patient Protection and Affordable Care Act, H.R. 3590. In drafting the PPACA, a provision was included which designates health care provided under VA's authority as meeting the minimum required health care coverage that an individual is required to maintain.

However, due to the way this exemption was worded, this definition may exclude children with spina bifida, who are seriously disabled and to whom VA provides reimbursement for comprehensive health care. The underlying bill gave authority to the Secretary of Health and Human Services to designate other care, which could include the VA spina bifida program, as meeting the definition of minimum essential coverage. This bill would simply clarify what was originally intended.

Chapter 18 of title 38 contains the Spina Bifida Health Care Program, which is a health benefit program administered by the Department of Veterans Affairs to provide reimbursement for comprehensive health care for children with spina bifida who are born to veterans of the Vietnam War and to some veterans who served in Korea during specified times, as well as chil-

dren of women Vietnam veterans with certain birth defects. The program provides reimbursement for medical services and supplies.

My legislation corrects this small error. Additionally, this legislation would clarify that recipients of CHAMPVA would also be considered as meeting the requirement for minimum essential coverage. This legislation is currently supported by 59 cosponsors, including my friend from North Carolina, and the ranking member on my Committee, Senator BURR. Additionally, the Veterans of Foreign Wars, Disabled American Veterans, and the Military Officers Association of America have endorsed this bill.

Thank you, Madam President and I thank my colleagues for their support in making this small but important clarification for veterans.

HONORING OUR ARMED FORCES

CHIEF SPECIAL WARFARE OPERATOR ADAM LEE BROWN

Mrs. LINCOLN. Madam President, today I honor Chief Special Warfare Operator Adam Lee Brown, 36, a Navy SEAL from Hot Springs who died in Afghanistan March 18. My heart goes out to the family of Chief Special Warfare Operator Brown, who made the ultimate sacrifice on behalf of our Nation. According to those who knew him best, he was a caring, compassionate individual, who always put others ahead of himself. He was in his eighth tour of duty in Afghanistan and is survived by his wife, two young children, and his parents.

Along with all Arkansans, I am grateful for the service and sacrifice of all of our military service members and their families. More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001.

It is the responsibility of our Nation to provide the tools necessary to care for our country's returning service members and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

CALIFORNIA CASUALTIES FROM IRAQ AND AFGHANISTAN

Mrs. BOXER. Madam President, I rise today to pay tribute to 14 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since December 16, 2009. This brings to 147 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 14 percent of all U.S. deaths in Afghanistan.

PFC Serge Kropov, 21, of Hawley, PA, died December 20, 2009, as a result of a nonhostile incident in Helmand province, Afghanistan. Private First Class